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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/510,990

06/15/2005

Bogdan Pavlic

1123.44203X00

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7590

12/23/2009

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EXAMINER

HAIDER, FAWAAD

ART UNIT

PAPER NUMBER

3627

MAIL DATE

DELIVERY MODE

12/23/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/510,990

**Applicant(s)**

PAVLIC ET AL.

**Examiner**

FAWAAD HAIDER

**Art Unit**

3627

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 16, 17, 19-29, 33 and 34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-17, 19-29, 33 and 34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/13/04 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 16-17, 19-29, and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adolph (EP 1,120,761) in view of McGregor et al (5,577,100) and Rossmann (EP 0,848,360).

Re Claims 16, 29: Adolph discloses wherein said mobile phone is being connected to said payment center via said mobile cellular telephone network (see [0022]); said payment center and the said payment terminal are being connected via a second direct connection (see [0021]); discloses a first interface means for coupling said mobile phone to the payment terminal device to transfer first data information between said mobile phone and said payment device, wherein said first data information is transferred between said payment terminal device and said payment center which are connected via a mobile cellular telephone network to said mobile phone (see [0022]); second interface means for

coupling said payment terminal device and said payment center, for transferring second data information between said payment terminal device and said payment center (see [0024]); and data processing means, coupled to said first and said second interface means for processing data received from said first and said second interface means and for generating data for transmission to said first and/or said second interface means (see [0006], Figure 1); and wherein said second interface means comprises means for converting data transferred between second interface means and said payment center into data processed by said processing means and said payment center and vice versa (see [0024]).

However, Adolph fails to disclose the following limitation. Meanwhile, McGregor discloses wherein said first interface means comprises coupling means for coupling said first interface means to said mobile phone, for transferring data between said mobile phone and said processing means via said first interface means, and a modem, coupled to said coupling means for converting the data transferred between said mobile phone and said processing means via said first interface means (col. 2, line 8 – col.3, line 20, col.3, line 31- col.18, line 60, Figures 1,2). From the teaching of McGregor, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Adolph's invention with McGregor's disclosure of a coupling means in order to have "a mobile hone system with a mobile phone having internal accounting capabilities... (see McGregor Abstract)."

However, Adolph and McGregor both fail to disclose the following limitations. Meanwhile, Rossmann discloses wherein data transferred between

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said processing means and said mobile telephone are transferred as sound data or acoustic data, and said coupling means includes an acoustic coupler for transferring the sound data or acoustic data between said mobile phone and said payment terminal device or modem (see col.5, lines 34-35 and col.6, lines 45-47). From the teaching of Rossman, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Adolph's and McGregor's inventions with Rossmann's use of sound/acoustic data in order so that there is "a physical or acoustic connection between them... (see col.6, lines 45-46)."

Re Claim 17: Adolph discloses wherein said data transfer between said mobile phone and said payment terminal device is a one-way data transfer (see [0008]).

Re Claims 19-21, 33: Adolph fails to disclose the following. Meanwhile, Rossmann discloses wherein the acoustic coupler has a microphone/speaker for coupling to a speaker/microphone of a mobile phone. Rossmann also discloses wherein a distance between said microphone and said speaker is adjustable in order to adapt said acoustic coupler to different types of mobile phones (see col.5, lines 34-35 and col.6, lines 45-47). From the teaching of Rossman, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Adolph's invention with Rossmann's use of sound/acoustic data in order so that there

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Re Claims 22, 34: Adolph discloses wherein the data processing means comprises at least a communication processor having cryptographic capability (see [0008]).

Re Claim 23: Adolph discloses wherein the payment terminal device comprises data input means (see [0022-0024]).

Re Claim 24: Adolph discloses wherein the data input means comprises at least one keyboard (see [0008]).

Re Claim 25: Adolph discloses wherein the payment terminal device comprises a printer (see [0022-0024]).

Re Claim 26: Adolph discloses wherein the payment terminal device comprises a display (see [0022-0024]).

Re Claim 27: Adolph discloses wherein the payment terminal device comprises an interface to a vending machine (see [0022-0024]).

Re Claim 28: Adolph discloses with an integrated payment terminal according to claim 16 (see [0022-0024]).

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory

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period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fawaad Haider whose telephone number is 571-272-7178. The examiner can normally be reached on Monday-Friday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service

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Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Fawaad Haider/

Examiner Art Unit 3627

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627